

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Roger Navy, # 251709,	)	C/A No. 9:05-2856-CMC-GCK
	)	
Petitioner,	)	<b>OPINION AND ORDER</b>
	)	
v.	)	
	)	
Collie Rushton and Attorney General of South Carolina,	)	
	)	
Respondents.	)	
	)	

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Petitioner, a state inmate proceeding *pro se*, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is incarcerated at the McCormick River Correctional Institution of the South Carolina Department of Corrections. Respondents have filed a motion for summary judgment seeking dismissal of the petition. An order was filed by the court notifying Petitioner of the summary judgment procedures and the possible consequences if he failed to respond adequately. Petitioner did not file a response.

In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge George C. Kosko.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that "in the absence of a timely filed objection, a

district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that Respondents’ motion for summary judgment be granted. The Magistrate Judge advised Petitioner of his right to file objections to the Report and the possible consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the motion, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that Respondents’ motion for summary judgment is **GRANTED** and this action is *dismissed with prejudice*.

**IT IS SO ORDERED.**

Columbia, South Carolina  
February 17, 2006

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE